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| 09/819,358  | 03/28/2001  | Jeane S. Chen        | 0005.US00              | 3309             |
| 23464   | 7590        | 12/02/2004           | EXAMINER               |                  |
| BUCHANAN INGERSOLL, P.C.<br>ONE OXFORD CENTRE, 301 GRANT STREET<br>20TH FLOOR<br>PITTSBURGH, PA 15219 |             |                      | LEROUX, ETIENNE PIERRE |                  |
|   |             |                      | ART UNIT               | PAPER NUMBER     |
|   |             |                      | 2161                   |                  |

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,358

Applicant(s)

CHEN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-22 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-22 and 26-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### ***Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/2004 has been entered.

### ***Claims Status***

Claims 1, 5-22 and 26-36 are pending. Claims 2-4 and 23-25 are canceled. Claims 1, 5-22 and 26-36 are rejected as detailed below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5-22 and 26-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim recites "wherein the results of the analysis are used in fundraising campaigns." There is insufficient antecedent basis for "the results" and "the analysis." Furthermore, the scope of the invention is difficult to determine because it is unclear what data is being analyzed. For

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purposes of this examination, any analysis of the data in virtual island database will be assumed to read on above limitation.

Claim 1 recites “a data pool having selected data from the CRs (constituent records)” and furthermore “a master island containing a compilation of the fields in the virtual data islands.” The scope of the invention is unclear because it is unclear which data is selected from the client data constituent records to be inserted in the data pool and which data is selected from the virtual data islands (i.e. client data constituent records) to be inserted into the master island. For purposes of this Office Action, examiner will assume that a data pool is comparable to a master island.

Claim 1 recites “one or more program code for analyzing the data pool.” The scope of the invention is difficult to determine because it is unclear how “analyzing the data pool” relates to “the results of the analysis” which are used in fundraising campaigns. For purposes of this Office Action, examiner will assume that above limitations are comparable.

Claims 22, 35 and 36 are rejected for including language similar to claim 1.

Claims 5-21 and 26-36 are rejected for being dependent from a rejected base claim.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1, 5-9, 11, 12, 16, 20, 22, 26-29, 32, 33, 35 and 36 are rejected under 35

U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572).

Regarding claims 1, 22, 35 and 36, Pat '393 discloses: one or more virtual data islands [first donation kettle, second donation kettle 100, Fig 1] partitioned inside the database [kettle data storage 302, Fig 1a is partitioned inside terminal 120 data storage, Fig 1] each virtual data island storing client data for a specific client engaged in a fundraising campaign [col. 1, lines 20-25, col 5, lines 4-10, col 4, lines 48-51], the client data containing one or more constituent records [col. 3, lines 59-65, col 9, lines 57-60], a data pool selected from the constituent records [tally of a credit card 145 donation, tally of a debit card 150 donation, tally of a cash donation or combinations thereof for a single contributor or a plurality of contributors, col. 5, lines 10-20], a master island [accounting report, col 5, lines 23-28] containing a compilation of the fields in the virtual data islands, wherein the results of the analysis are used in fundraising campaigns, one or more program codes for analyzing the data pool [software routine, col 5, lines 17-20, statistical software routine, col 5, lines 30-40]

Pat '393 discloses in col 9, lines 48-50 a receipt is produced for a single or plurality of donations – the receipt being for tax purposes, col 9, line 67 which reads on a compilation of unique identifiers of the individuals whose records are in the virtual data islands. Pat '393 fails to disclose a linking table. Pat '572 discloses a linking table [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a linking table as taught by Pat '572 for the purpose of speedy analysis of marketing data and report generation [col. 10, lines 1-15].

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Regarding claim 8, Pat '393 discloses the client is a person [col. 3, lines 59-65]

Regarding claims 9 and 28, Pat '393 discloses the results of the analysis are used to identify potential donors likely to donate to one or more charities [col. 5, lines 24-28].

Regarding claim 11, Pat '393 discloses a program code for statistical analysis [col. 5, lines 10-22]

Regarding claims 12 and 29, Pat '393 discloses a probability of a charitable donation [monthly statement, col.5, line 26]

Regarding claim 33, Pat '393 discloses a charitable organization [col. 1, lines 20-25].

Regarding claim 20, Pat '393 discloses a common identifier shared by the individual donor records across the virtual data islands [credit card donation col. 3, line 48].

Regarding claims 7 and 32 , Pat '393 discloses a charitable organization but does not disclose a nonprofit organization. Official Notice is taken that a nonprofit organization is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a nonprofit organization since the IRS grants nonprofit status to most charitable organizations. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Regarding claims 5, 6, 26 and 27, Pat '393 discloses the essential elements of the claimed invention except for the internet. Pat '572 discloses the internet [col. 2, lines 60-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include the internet as taught by Pat '572 for the purpose of implementing an efficient market data collection system [col. 2, lines 60-63].

Regarding claim 16, Pat '393 discloses the essential elements of the claimed invention except for automatically updating fields. Pat '572 discloses automatically updating fields [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include automatically updating fields as taught by Pat '572 for the purpose of maintaining concurrency of data.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572) as applied to claim 16 above, and further in view of US Pat. No. 6,539,446 issued to Chan (hereafter Pat '446).

Regarding claim 17, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for automatic notification of an update option. Pat 446 discloses automatic notification of an update option [col. 2, lines 60-64]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '393 and Pat '572 to include automatic notification of an update as taught by Pat '446 for the purpose of notification that a lock failure has occurred [col. 2, lines 60-64].

4. Claim 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 4,965,719 issued to Shoens et al (hereafter Pat '719).

Regarding claim 10, Pat '393 discloses the essential elements of the claimed invention except for an opt-in field indicating whether or not a client is participating in a data-sharing

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scheme. Pat '719 discloses an opt-in field indicating whether or not a client is participating in a data-sharing scheme [col. 6, lines 1-12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include an opt-in field indicating whether or not a client is participating in a data-sharing scheme as taught by Pat '719 for the purpose of managing concurrent access to records/data to ensure lowest possible response times [col. 1, lines 19-23]

Regarding claim 13, Pat '393 discloses the essential elements of the claimed invention except for write-access to the field. Pat '719 discloses write-access to the field [col. 4, lines 46-55]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include write-access to the field for the purpose of managing concurrent access to records/data [col. 1, lines 19-23].

Regarding claim 14, Pat. '393 discloses the essential elements of the claimed invention except for the opt-in field accepts a multi-valued variable. Pat '719 discloses the opt-in field accepts a multi-valued variable [col. 5, lines 45-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a multi-valued variable as taught by Pay '719 for the purpose of accurate processing of the lock history [col. 5, lines 45-50].

Regarding claim 15, Pat '393 discloses the essential elements of the claimed invention except for sharing data with others in different manners. Pat '719 discloses sharing data with others in different manners [col. 4, lines 46-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include sharing data with



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others in different manners for the purpose of controlling access to a data resource [col. 4, lines 46-55].

5. Claims 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) and further in view of US Pat. No. 5,665,952 issued to Ziarno (hereafter Pat '952).

Regarding claim 18, 30 and 31, Pat '393 discloses the essential elements of the claimed invention except for login access for donors. Pat '952 discloses login access for donors [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include login access for donors as taught by Pat '952 for the purpose of convenience in donating to a charitable organization [abstract].

Claims 19, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 6,535,871 issued to Romansky et al (hereafter Pat '871).

Regarding claims 19 and 34, Pat '393 discloses the essential elements of the claimed invention except for a political organization. Pat '871 discloses a political organization [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a political organization as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

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Regarding claim 21, Pat '393 discloses the essential elements of the claimed invention except for an opt-out field. Pat '871 discloses an opt-out field [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include an opt-out field as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

### ***Response to Arguments***

Applicant's arguments filed 6/7/2004 have been fully considered but they are not persuasive.

#### **Applicant Argument No 1:**

Applicant states in the paragraph linking pages 8 and 9 "Applicants respectfully submit that Pat '393 does not disclose or teach a master island containing a compilation of the virtual data islands, and a linking table including a compilation of unique identifiers of the individuals whose records are in the virtual data islands; wherein the results of the analysis are used in fundraising campaigns."

#### **Examiner Response No 1:**

Examiner is not persuaded. Above limitations are rejected in supra Office Action under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, as best examiner is able to ascertain, the disclosure of Pat '393 relevant to the above features of claim 1 is shown in supra Office Action.

#### **Applicant Argument No 2:**

Applicant states in the second paragraph on page 9 “Furthermore, Applicants submit that the donation kettle 100 of Pat ‘393 is not equivalent to the virtual data island recited in claim 1 of the present application. The virtual data islands 108A-108D illustrated in FIG. 1 of the present application are formed by partitioning a data warehouse 104, each virtual data island storing data of a particular nonprofit organization. The virtual data islands reside in the data warehouse 104. This is described in the present application in page 8, lines 19-22.”

**Examiner Response No 2:**

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., data warehouse 104, nonprofit organization) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Applicant Argument No 3:**

Applicant states in the sixth paragraph of page 9 “Thus, the donation kettle 100 of Pat ‘393 is not formed by partitioning a database and the donation kettle 100 does not partition the data of a plurality of client organizations.”

**Examiner Response No 3:**

Examiner is not persuaded. Ziarno discloses the following in column 3, line 66 through column 4, line 7:

In an alternate embodiment, the donation kettle 100 first stores the information about the contributor and/or the donation it has accepted in a data storage 302 (FIG. 1a), and then at a latter time communicates it to terminal 120 via communication circuitry 990 (FIG. 1a) and a communication link 140, e.g. after a single session of donation

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collection. Terminal 120 might be located on-site at a charitable organization or at some remote location, by way of example, at an accountant's office. Terminal 120 then communicates the information about the contributor and/or the donation via a communication link 1030, which by way of example, might include a telephone hookup, with a card account processor database 1032 (FIG. 2b), or the like.

Examiner maintains that Ziarno discloses that each kettle may have its own data storage 302 (Fig 1a) which reads on the claimed virtual data island partitioned database.

**Applicant Argument No 4:**

Applicant states in the fourth paragraph of page 10 "Applicants submit that, in contrast to the Examiner's statements, there is no teaching or suggestion of client data with one or more constituent records in col 3, lines 59-65 of Pat '393. Rather, col. 3, lines 59-65 of Pat '393 essentially describe how the donation kettle communicates with a computer terminal using a radio frequency (RF) link."

**Examiner Response No 4:**

Examiner is not persuaded. Ziarno discloses that each kettle is capable of communicating with a master database as shown in Figure 1, 140. The data provided includes information about a contributor and a donation, refer Ziarno's disclosure in column 3, lines 59-61. Furthermore, Ziarno discloses in column 9, lines 57-60 states "The communication consists of information about the contributor, the date, the intention for which the donation was given, and the like." Above referenced disclosures of Ziarno reads on the claim 1 limitation "client data containing one or more constituent records."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (571) 272-4022.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (571) 272-4023.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (571) 272-2100.

Etienne LeRoux

11/29/04

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER